

205(2)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6841-2020

Date of decision-08.07.2021

KULWANT SINGH**...Petitioner****Vs.****BALWINDER SINGH****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Prince Sharma, Advocate for the petitioner.

*********MANOJ BAJAJ, J. (ORAL)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in complaint case No. 41/2015 dated 19.02.2015 under Sections 452, 427, 326, 325, 506, 148 & 149 of Indian Penal Code, 1860 registered at Police Station Khalra, District Tarn Taran, Punjab. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.02.2020, whereby while issuing notice of motion to respondent, the interim protection was extended to the petitioner.

The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner could not arrange the surety and, therefore, the application for pre-arrest bail was declined by the Court of sessions vide order dated 07.09.2019. He submits that in a similar situated co-accused Ram Singh was granted the concession of pre-arrest bail by this Court vide order dated 17.12.2019. It is pointed out that the petitioner is ready to join the proceedings, which is now fixed for 24.02.2020.

Notice of motion for 13.05.2020.

Let the petitioner appear before the learned trial Court on or before the date fixed i.e. 24.02.2020 and upon his appearance, the Magistrate shall admit him on interim regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of that Court.

To be heard along with CRM-M-6835-2020”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner appeared before the Trial Court, who has been admitted on regular bail vide order dated 20.02.2020.

Though as per the office report, complainant (respondent) has not been served because of incomplete address, however, at this stage, learned counsel for the petitioner has produced the copy of the trial Court order dated 24.02.2020 to contend that complainant and the present accused persons appeared before the trial Court and the case was fixed for recording the pre-charge evidence. According to him, with the appearance of the accused before the trial Court, the complainant is well aware of the present case.

Considering the above background, this Court does not deem it appropriate to adjourn the case for formal service of respondent/complainant as the accused have joined the trial proceedings.

In view of the above, the petition is allowed and the interim concession extended to the petitioner is made absolute and it is further ordered that he shall remain on the same bail bonds furnished by him before the trial Court on 20.02.2020.

(MANOJ BAJAJ)
JUDGE

08.07.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No